

TERRY JOE ORMOND,	)	
	)	
Petitioner,	)	2:09-cv-2056-JCM-PAL
	)	
vs.	)	<b>ORDER</b>
	)	
BRIAN E. WILLIAMS, <i>et al.</i> ,	)	
	)	
Respondents.	)	
	/	

## I. Procedural Background

<sup>1</sup> The exhibits referenced in this order were submitted by respondents in support of their motion to dismiss and are found in the court's docket at #5.

1           Petitioner submitted his petition for filing with this court on October 23, 2009. After  
2 determining that the motion to dismiss should be denied, an answer on the merits and a reply were  
3 filed. Then petitioner was released from prison, having expired his term. The court directed the  
4 parties to file points and authorities regarding the effect the petitioner's release from prison had upon  
5 the petition and its continuing viability. Petitioner has responded to the order by reiterating his  
6 position as stated in the petition while admitting that he has been released and is not subject to  
7 parole. He expresses a desire to pursue the matter further (ECF No. 16).

8           As the petition attacks the calculation and application of good time credits rather than  
9 the fact of his conviction and or sentence, the court concludes that the determination of the merits of  
10 his claims will have no effect on collateral consequences, if any, derived from the criminal  
11 conviction, as petitioner admits that he is not on parole or under other similar restrictions. *See Jones*  
12 *v. Cunningham*, 371 U.S. 236 (1963). Because the court cannot offer petitioner any relief by way of  
13 this habeas action under the facts of this case, the petition shall be denied as moot and the action  
14 closed. *Calderon v. Moore*, 518 U.S. 149, 150 (1996) (per curiam) (An appeal is moot when, by  
15 virtue of intervening event, a court of appeals cannot grant any effectual relief whatever in favor of  
16 the appellant.)

17           **IT IS THEREFORE ORDERED** that the petition is **DENIED AS MOOT**. No  
18 certificate of appealability shall issue. The clerk shall enter judgment accordingly.

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20           Dated, this 3 day of March, 2011.

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23           UNITED STATES DISTRICT JUDGE  
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